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National Institute of Education

Program of Research Grants on Law and Government Studies in Education; Interim Final Rules for Awarding Federal Funds

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education

45 CFR Part 1495

Program of Research Grants on Law and Government Studies in Education; Interim Final Rules for Awarding Federal Funds

AGENCY: National Institute of Education (NIE), Department of Health, Education, and Welfare.

ACTION: Interim Final Rule.

SUMMARY: This Interim Final Rule establishes and governs a discretionary grants program of research studies of how legislative, administrative, and judicial policies and governmental organizations affect education, especially those policies that are contained in laws and legal rules that affect how education officials carry out their responsibilities. It states eligibility requirements, funding criteria, and other rules for administering grants under this program. It affects eligible institutions, organizations, and individual researchers by defining the types of projects to be funded and the competitive procedures and standards for selecting the best projects.

EFFECTIVE DATES: This Interim Final Regulation is expected to become effective 45 days after it is transmitted to Congress. Regulations are usually transmitted to Congress several days before they are published in the **Federal Register**. The effective date is changed by statute if Congress disapproves the regulations or takes certain adjournments. If you want to know the effective date of this regulation, call or write the National Institute of Education contact person.

This regulation covers all applications submitted through the end of December 1979. After that time, it is anticipated that the grants program will be covered by a consolidated regulation that NIE is planning to develop. If the consolidated regulation has not been published by Deoember 31, 1979, NIE will publish a notice to extend the existing regulation or a notice to amend this regulation based on public comment.

COMMENT DATE: Comments must be received on or before June 15, 1979. Although HEW waived having a Notice of Proposed Rule Making for this program, interested persons are invited to submit their written comments concerning these rules. As NIE develops its consolidated regulation for grants programs, it will consider all relevant material, including public comments submitted in response to this Interim Final Regulation.

FOR FURTHER INFORMATION CONTACT: Donald W. Burnes, Legal and Governmental Studies Team, Law and Public Management Program, EPO, National Institute of Education, Room 712-C, Mail Stop 19, 1200 19th Street, NW., Washington, D.C. 20208, 202-254-6070.

SUPPLEMENTAL INFORMATION: The Director of NIE, with the approval of the Secretary, has determined that rulemaking must be waived because it is impracticable and contrary to the public interest. It is not possible to follow rulemaking and still conduct a grants competition in this fiscal year. Applicants need a month to prepare preliminary proposals and at least a month to prepare full proposals. The review of proposals and the formal preparation of comments will take six weeks at each stage of the application process. In light of these time requirements, rulemaking would be impracticable if awards are to be made in FY 1979. This research grants program in the legal studies area expands upon a research area previously funded under the Basic Skills Research Grants Program (45 CFR Part 1451). The new program is similar to a previously approved program which was developed with full public participation and a very small amount of funds is involved. Additionally, NIE is issuing interim final rules at this time since the Legal and Governmental Studies program and other similar programs will be incorporated into a single, comprehensive research grants program regulation. Comments received in response to this interim final rule will be considered in developing the comprehensive research grants program regulation. Also, the comprehensive regulation will be issued as a proposed regulation with opportunity for public comment.

A. Background

Over the past several decades, policymaking in education has been greatly influenced by three related developments. First, State and Federal agencies have become more active in education policy. Second, issues of educational equity have acquired greater prominence. Third, policies have increasingly taken the form of legal rules embodied in court decisions, statutes,, and regulations. Policymakers have employed formal legal processes to resolve disputes, to reallocate resources, and to meet demands from new groups regarding educational priorities. These three developments have raised practical, political, and conceptual questions about intergovernmental relations and the role of law and legal institutions in education.

Despite these important trends, local school districts have not always reacted positively to the increase in Federal and State direction. In some cases, they have found Federal and State regulations ambiguous and difficult to comprehend. In others, the rules from one program appear to be in conflict with those of another. In still other cases, districts have even found Federal and State priorities inconsistent with their own goals and objectives. Thus, as Federal and State involvement has increased, a growing tension has emerged about the nature of Federal and State involvement in education and the local district's ability and authority to establish its own educational programs.

B. Program Purpose and Eligible Activities

The purpose of the Program of Research Grants on Law and Government Studies in Education is to conduct research on how the legislative, executive, and judicial branches of State and Federal government carry out their responsibilities in the area of education. The program will seek research which focuses on the formation and implementation of policy, the analysis of government operations affecting education, and the impact of government on education practice. Particular attention will be paid to issues of educational equity, including, but not limited to, the availability of services, patterns of service delivery, and the quantity and quality of those services.

C. Drafting Information

This regulation was developed by staff of the Legal and Governmental Studies Team, Program on Educational Policy and Organization. In addition, individuals, State and local governments, and educational and research organizations participated extensively in its development.

Application Information:

Applications, instructions, and program information are available from the program staff of the Legal and Governmental Studies Team, Program on Educational Policy and Organization, National Institute of Education, 1200 19th Street, N.W., Washington, D.C. 20208. Telephone, 202-254-6070.

(Catalog of Federal Domestic Assistance No. 13.950, Educational Research and Development)

Dated: March 6, 1979.

Patricia Albjerg Graham,
Director, National Institute of Education.

Approved: April 7, 1979.

Joseph A. Califano, Jr.,
Secretary of Health, Education, and Welfare.

Title 45 of the Code of Federal Regulations is proposed to be amended by adding to Subchapter B of Chapter XIV, a new Part 1495, reading as follows:

PART 1495—LAW AND GOVERNMENT STUDIES IN EDUCATION

Sec.
1495.1 Scope.
1495.2 Purpose.
1495.3 Definitions.
1495.4 Applicant eligibility.
1495.5 Eligible projects.
1495.6 Ineligible projects.
1495.7 General requirements.
1495.8 Major grants and small grants.
1495.9 Application requirements.
1495.10 Review procedures.
1495.11 Evaluation criteria.
1495.12 Project duration and budget.

Authority: Sec. 405 of the General Education Provisions Act, as amended (20 U.S.C. 1221e).

§ 1495.1 Scope.

This part establishes rules governing the submission and review of applications for funds under the Program of Research Grants on Law & Government Studies in Education conducted by the National Institute of Education with funds authorized by Section 405 of the General Education Provisions Act, as amended.

§ 1495.2 Purpose.

The purpose of the Program of Research Grants on Law and Government Studies in Education is to conduct research on how the legislative, executive, and judicial branches of State and Federal government carry out their responsibilities in the area of education. The research will focus on the formation and implentation of policy, the analysis of government operations affecting education, and the impact of government on education practice. Applicants are encouraged to address issues that concern educational equity, including, but not limited to, the availability of services, patterns of service delivery, and the quantity and quality of those services.

§ 1495.3 Definitions.

As used in this part—

"Research" includes any activity designed to increase or synthesize knowledge about the development, implementation, and impact of policymaking regarding educational issues and problems within the context of Federal, State, and local programs.

§ 1495.4 Applicant eligibility.

(a) A college, university, State or local educational agency, or other public or private non-profit or for-profit agency, organization, or group, or an individual is an eligible applicant. A grant to a for-profit organization is subject to any special conditions that the Director may prescribe.

(b) The Director funds no more than one application per grantee or principal investigator under each competition.

§ 1495.5 Eligible projects.

(a) Research funded under this part must be designed to increase or to synthesize knowledge about—

(1) How Federal and State legislative, administrative, and judicial policies in education are developed and implemented and how they affect local educational agencies;

(2) How Federal and State government units are organized and managed to administer education; or

(3) How the intergovernmental system might function more effectively in the field of education.

(b) Applications are encouraged to address issues that concern educational equity, including, but not limited to, the availability of services, patterns of service delivery, and the quality and quantity of those services.

§ 1495.6 Ineligible projects.

The following projects are ineligible—

(a) A project whose primary purpose is the operation, development, demonstration, or evaluation of specific programs or materials.

(b) A project that examines the implementation and impact of a single education policy—for example, the Education of the Handicapped Act—unless it shows promise of significantly increasing our knowledge about—

(1) the role of law in education;

(2) the role of various government operations in affecting educational practice; or

(3) The public administration of education at State and Federal levels.

(c) Litigation, research in support of litigation, or other legal advocacy activities.

(d) Legal advice on the implementation of particular education laws or regulations.

§ 1495.7 General requirements.

(a) The following are general requirements for all projects funded under this program. Each project shall—

(1) Provide arrangements for obtaining advice about the use of the concepts and methods from scholarly disciplines and from education practice for the design of the project and the application of its results;

(2) Seek advice from minority group members, women, and educational practitioners during project planning and as the work progresses;

(3) Provide a detailed report and assessment of the work carried out by the project; and

(4) Prepare and disseminate information about—

(i) The nature and progress of the project;

(ii) The results of project; and

(iii) Recommendations and instructions for adopting the results of the project in whole or in part in other locations.

(b) A grantee shall administer funds according to applicable provisions of Subchapter A of this chapter (General Provisions for NIE grants relating to fiscal, administrative, and other matters) (45 CFR Parts 1400–1424), except to the extent that such provisions are inconsistent with, or expressly made inapplicable by, the provisions in this part.

§ 1495.8 Major grants and small grants.

(a) *General.* The Director awards major grants and small grants under this part. The same topic areas for investigation, eligibility standards, and evaluation criteria apply to all awards under this part. A simplified application procedure is provided for an application for a small grant, as provided in § 1495.9, and the duration of a small grant award is limited to a maximum of 12 months, as provided in § 1495.12.

(b) *Major grants.* A major grant is for an amount in excess of $10,000 of direct costs.

(c) *Small grants.* A small grant is awarded for no longer than 12 months duration and for an amount that does not exceed $10,000 plus indirect costs (except in the case of an individual applicant not affiliated with any institution, in which case the Director does not award indirect costs but reimburses reasonable general and administrative expenses associated with and directly related to administration of the small grant). Approximately 10 to 15 percent of the funds available for this program are reserved for small grant awards.

§ 1495.9 Application requirements.

(a) *General.* An applicant is eligible to be considered for an award only after it submits a grant application to the Director which is reviewed and evaluated as described in Sections 1495.10 and 1495.11 of this part. An eligible applicant shall file an application specifically directed to either the major grant of the small grant segment of the Program.

(b) *Major grants.* An applicant for a major grant shall comply with the requirements set forth in this paragraph and in Appendices A and B.

(1) *Preliminary proposals.* An applicant shall submit a preliminary proposal for initial review in the format prescribed in Appendix A.

(2) *Full proposals for major grants.* A full proposal for a major grant may only be submitted after an applicant has submitted a preliminary proposal, and after it has been reviewed by NIE. Information concerning the strengths and weaknesses of the preliminary proposal and its standing relative to other proposals reviewed will be provided to the applicant. Format requirements for the full proposal for a major grant are provided in Appendix B.

(c) *Small grants.* An applicant for a smalll grant shall comply with the requirements set forth in Appendix C. (An applicant for a small grant does not have to submit a preliminary proposal.)

§ 1495.10 Review procedures.

(a) In the research grants competition announced under this program, major grant and small grant applications form two separate review categories. Within each category, individual applications are reviewed and evaluated in competition with the other applications in that category.

(b) In deciding whether or not to fund an application, the Director may take into account the rating given to the application's content by staff of the Institute and by experts. The Director may also consider information from Federal, State, or local officials or from the public that bears upon the evaluation criteria described in the next section.

(c) Applications for small and major grants are accepted throughout the fiscal year and are reviewed at periodic intervals during the fiscal year. Notices of closing dates by which applications must reach NIE to be included in each review are published in the **Federal Register.** An application for a major grant which has been disapproved for funding in one review may be revised and submitted for consideration in any later cycle without submitting a new preliminary proposal. Funds available to the program in a fiscal year are tentatively allocated to each review cycle. However, the amount of funds awarded in any particular review cycle may vary, depending on the quality of applications received and the amount of funds requested by the most meritorious applications.

(d) Each applicant will be notified of the approximate ranking of the preliminary proposal among those reviewed as well as of any particular strengths or weaknesses found during the review. An applicant whose preliminary proposal addresses a topic outside the areas of this program as described in § 1495.5, or involves an ineligible research procedure as described in § 1495.6, will be notified after the initial review, and may submit a full grant proposal with corrections. The comments furnished from the initial review will not constitute a commitment by the Director to award funds to the proposed project.

§ 1495.11 Evaluation criteria.

(a) *Criteria.* The Director uses the following criteria to evaluate each preliminary, full, and small grant proposal:

(1) Significance of the proposed research for American education, including its potential contribution to—

(i) Fundamental knowledge about enduring and significant problems of American Government in relation to education, including but not limited to issues of educational equity; and

(ii) The improvement of educational practice at the regional, State, and local level.

(2) The quality of the plans describing how the proposed research can or will be used to improve educational practice.

(3) The quality of the proposed research project, including—

(i) Adequacy of the design, methodology, instrumentation, and generalizability of the results;

(ii) Likelihood of success for the project;

(iii) The extent to which the application exhibits thorough knowledge of pertinent previous work and relates the proposed work to it;

(iv) Evidence that, where appropriate, the perspectives of a variety of disciplines are combined;

(v) Evidence that the grantee or investigators collaborate with practitioners during the definition of research questions and during the progress of the study; and

(vi) Evidence that the research is conducted in a manner that benefits the participants in the reserach settings.

(4) Qualifications of the proposed grantee or principal investigator and other professional personnel as evidenced by—

(i) Experience and previous research productivity;

(ii) Quality of the discussion and analysis in the application;

(iii) Evidence of awareness and sensitivity to the special concerns of any target population to benefit from the research; and

(iv) Evidence that the practical and research experience of the grantee or principal investigator and others are appropriate for the topics, subjects, and settings of the study.

(5) Adequacy of the facilities and arrangements available to the grantee or investigator to conduct the proposed study, including evidence of access to necessary organizations, groups, and individuals for study purposes and the willingness of study populations to participate in the proposed research.

(6) Reasonableness of the budget for the work to be done and for the anticipated results.

(b) *Diversity of projects.* In making awards the Director considers, in addition to the criteria in paragraph (a) of this section, the objectives of funding a diverse set of projects that collectively address—

(1) A variety of research needs in the area of law and government studies in education;

(2) Other research needs of the National Institute of Education; or

(3) The educational needs and interests of other Federal agencies.

(c) *Inapplicable criteria.* General criteria in 45 CFR 1403.10 of this chapter do not apply to applications submitted under this part.

(d) *Disposition of application.* Following the review of an application the Director either—

(1) Approves the application in whole or in part for the amount of funds and subject to the conditions the Director finds appropriate for the completion of the approved project;

(2) Disapproves the application; or

(3) Defers action on the application in a case where additional information is sought.

§ 1495.12 Project duration and budget.

(a) A project supported by a grant under this part (other than a small grant) may be up to three years in duration.

(b) A project supported by a small grant under this part may be up to 12 months in duration.

(c) An application for a major grant that proposes a multiyear project must be accompanied by an explanation of

the need for multiyear support, an overview of the objectives and activities proposed, and the budget estimates necessary to attain these objectives in any years subsequent to the first year of the project.

(d) If the application for a major grant demonstrates to the Director's satisfaction that multiyear support is needed to carry out the proposed project, the Director in the inititial notification makes a multiyear award to the grantee. The initial funding period for the award will, in most cases, not exceed 12 months.

(e) The Director approves subsequent funding for multiyear awards described in paragraph (d) of this section in increments for periods not to exceed 12 months, subject to—

(1) The availability of funds;

(2) A determination by the Director, based on project progress reports, that—

(i) The grantee is in compliance with the award terms and conditions, and other applicable requirements; and

(ii) The project has made effective progress to date; and

(3) Submission of acceptable plans for further work under the grant, including any constructive changes as a result of project evaluation.

Appendix A: Administrative Details for the Preliminary Proposal for a Major Grant

(a) *Preliminary proposal format.* This appendix provides guidance to applicants concerning the preparation of preliminary proposals for major grants. An applicant who does not follow these suggestions will not be ruled ineligible, but may not be ranked as highly under the evaluation criteria. The statement summarizing the project, paragraph (2) below, must not exceed *10* double-spaced, typewritten pages. The preliminary proposal should include—

(1) A cover sheet executed by the applicant or principal investigator—and, where required by the applicant institution, by an individual authorized to execute grant applications for the institution—indicating—(i) that the preliminary proposal is submitted to the Program of Research Grants on Law and Government Studies in Education, NIE; (ii) the title of the study; (iii) the name, department, institution, address, and telephone number of each proposed grantee or principal investigator; (iv) the estimated budget amount; and (v) the proposed starting date and duration of the project.

(2) A statement summarizing the proposed project, including:

(i) *Description and rationale.* A description of the proposed research, its relation to what is already known and to the problems of American education, and the importance of its expected addition to knowledge and to the improvement of practice.

(ii) *Procedures.* A description of the procedures to be followed in carrying out the research including such concerns as sampling, data acquisition, instrumentation, and data analyses, where appropriate.

(3) A description of the facilities and arrangements available to the grantee or investigator for conducting the research including access to suitable organizations for study purposes.

(4) A vita for each grantee or principal investigator, including education, applicable experience, and a list of major publications.

(5) An estimated budget covering direct costs, (e.g., salaries and benefits, travel, supplies and materials, communications, services, equipment) and indirect costs to be charged against the grant.

(b) *Submission of preliminary proposals.* All applications for support under this part must be submitted in the number of copies, to the address, and at the times the Director prescribes.

Appendix B: Administrative Details for a Full Proposal for a Major Grant

(a) *Format.* This appendix provides guidance to applicants concerning the preparation of full proposals for major grants. An applicant who does not follow these suggestions will not be ruled ineligible, but may not be ranked as highly under the evaluation criteria. Discussion of objectives and design, paragraphs (4) and (5) below, must not exceed *50* double-spaced typewritten pages. A full proposal for a major grant should include the following elements—

(1) A cover sheet executed by the grantee or principal investigator—and, where required by the applicant institution, by an individual authorized to execute grant applications for the institution—indicating—(i) that the application is submitted to the Program of Research Grants on Law and Government Studies in Education, National Institute of Education; (ii) the title of the study; (iii) the name, department, institution, address, and telephone number of each proposed grantee or principal investigator; (iv) the estimated budget amount; and (v) the proposed starting date and duration of the project.

(2) An abstract of approximately 200–250 words, stating clearly the objectives and plans of the proposed research.

(3) A table of contents.

(4) A statement of the research objectives, including identification of the problems or issues that the proposed research will contribute to solving, the anticipated contribution of the research to that solution, and the specific questions that the research will address.

(5) A research design clearly linked to the questions that the study will try to answer. The scientific or technical work of the project and methods for its accomplishment should be stated clearly. A discussion of related research with appropriate citations should be included to show that the applicant or principal investigator is thoroughly familiar with current and prior research in pertinent fields. Data to be obtained and analytic methods to be used should also be explained.

(6) An organization and management plan presenting (i) the arrangements intended for direction, coordination, and control of the project; (ii) the roles, responsibilities, and project time-commitments of proposed staff; (iii) a schedule for major portions of multi-year projects; and (iv) an explanation of any proposed subcontract arrangements.

(7) A description of facilities and arrangements available for the research. If new data are proposed to be collected, the proposal should give evidence of access to suitable organizations for study purposes. Letters of agreement to participate should be included, showing that the relevant authorities in school or school-related organizations have reviewed the research plans and agree to take part willingly. A lengthy and complex study that could place special burdens on parts of the education community may require joint planning and management of the entire project. A proposal for such a study should give detailed information to allow reviewers to judge the adequacy of the arrangement.

(8) A plan for the dissemination of the research findings, including methods for reaching researchers, theorists, practicing educators, and policymakers and implementers.

(9) A vita and bibliography for each professional staff person, including professional background and employment as well as degree of education, a chronological list of publications, and a listing of prior and current research support for each individual, including requests now being considered elsewhere, regardless of source.

(10) An estimate of expenses proposed to be charged against the grant including direct costs (e.g., salaries and benefits, travel, supplies and materials, communication, services, equipment)

and indirect costs. The proposed budget should include all other details and explanations and should be arranged in such a form as the Director may request in order to allow the cost analyses and other reviews called for by Departmental grant administation policies.

(b) *Submission of applications.* All types of applications for support under this part must be submitted in the number of copies, to the address, and at the times the Director prescribes.

Appendix C: Administrative Details for Small Grant Proposals

(a) *Format.* This appendix provides guidance to applicants concerning the preparation of small grant proposals. An applicant who does not follow these suggestions will not be ruled ineligible, but may not be ranked as highly under the evaluation criteria. Discussion of the objectives and design, paragraphs (4) and (5) below, must not exceed *15* double-spaced typewritten pages. A proposal for a small grant should include the following elements—

(1) A cover sheet executed by the applicant or principal investigator—and, where required by the applicant institution, by an individual authorized to execute grant applications for the institution—indicating—(i) that the application is submitted to the Program of Research Grants on Law and Government Studies in Education, National Institute of Education; (ii) the title of the study; (iii) the name, department, institution, address, and telephone number of each proposed grantee or principal investigator; (iv) the estimated budget amount; and (v) the proposed starting date and duration of the project.

(2) An abstract of approximately 200–250 words, stating clearly the objectives and plans of the proposed research.

(3) A table of contents.

(4) A statement of the research objectives, including identification of the problems or issues that the proposed research will contribute to solving, the anticipated contribution of the research to that solution, and the specific questions that the research will address.

(5) A research design clearly linked to the questions that the study will try to answer. The scientific or technical work of the project and methods for its accomplishment should be stated clearly. A discussion of related research with appropriate citations should be included to show that the applicant or principal investigator is thoroughly familiar with current and prior research in pertinent fields. Data to be obtained and analytic methods to be used should also be explained.

(b) *Submission of applications.* Applications for small grants must be submitted in the number of copies, to the address, and at the times the Director prescribes.

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